

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32899 of 2014

Arising Out of PS.Case No. -70 Year- 2010 Thana -NOONSARAI District- NALANDA
(BIHARSHARIFF)

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1. Nitish Yadav Son of Mahendra Yadav
2. Phulwa Devi wife of Mahendra Yadav
Both are residents of Village - Chhatarpur, Police Station - Noorsarai,
District - Nalanda

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s :

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

2 05-02-2015 Heard both sides.

The petitioners, Nitish Yadav and Phulwa Devi, apprehend their arrest in Noorsarai P.S. Case No. 70/2010 registered under Sections 365/34 of the Indian Penal Code.

The informant Bineshar Yadav alleged that petitioner no. 2 Phulwa Devi persuaded his son Dharmendra Yadav to go to Haryana along with Mahendra Yadav, who is the husband of the petitioner no. 2. Mahendra Yadav took his son to Haryana but his son did not return.

Learned counsel for the petitioners submits that there is no allegation against petitioner no. 1 Nitish Yadav. Mahendra Yadav has already been enlarged on bail vide order passed in Cr.

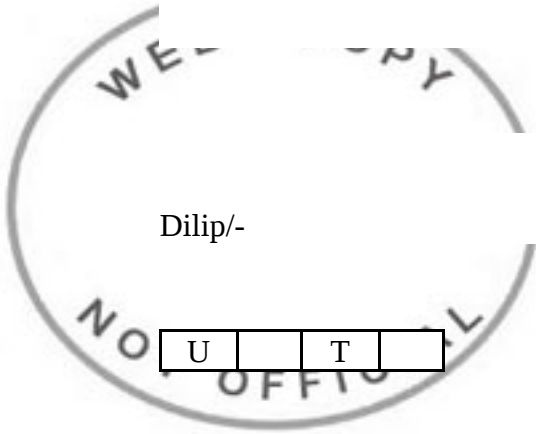
Misc. No. 50456 of 2013. Phulwa Devi, petitioner no. 2, did not accompany her husband Mahendra Yadav while the victim Dharmendra Yadav was going along with her husband.

Learned A.P.P., on the other hand, vehemently opposed the prayer for anticipatory bail.

It appears that the informant made allegations against Phulwa Devi that she persuaded his son to go along with Mahendra Yadav to Haryana but Phulwa Devi did not accompany her husband Mahendra Yadav or the victim Dharmendra Yadav to Haryana. Dharmendra Yadav is said to be missing from Haryana. On enquiry, Mahendra Yadav disclosed that Dharmendra Yadav de-boarded Haryana bound train midway. There is no allegation against petitioner no. 1 Nitish Yadav.

Considering the facts aforesaid and the fact that co-accused Mahendra Yadav has already been enlarged on bail, the above named petitioners, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, are directed to be enlarged on bail on furnishing bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda at Biharsharif in Noorsarai P.S. Case No. 70/2010, subject to the

conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



(Prabhat Kumar Jha, J)